

In the
Indiana Supreme Court



IN THE MATTER OF THE
APPROVAL OF LOCAL RULES
FOR LAPORTE COUNTY

Case No. 46S00-1306-MS- 406

ORDER APPROVING AMENDED LOCAL RULE

The Judges of the LaPorte Circuit and Superior Courts request the approval of an amended local rule for caseload allocation in accordance with Ind. Administrative Rule 1(E). Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the LaPorte Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR46-4 complies with the requirements of Ind. Administrative Rule 1(E), and, accordingly, should be approved and posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule LR46-4 for LaPorte Circuit and Superior Courts, set forth as an attachment to this Order, is approved effective retroactive to June 1, 2013. The Clerk of this Court is directed to forward a copy of this Order to the Hon. Thomas Alevizos, LaPorte Circuit Court, 813 Lincoln Way, LaPorte, IN 46350-3429; the Hon. William J. Boklund, LaPorte Superior Court, 300 Washington Street, #116, Michigan City, IN 46360; the Hon. Jennifer L. Koethe, LaPorte Superior Court, 809 State Street, LaPorte, IN 46350-3429; the Hon. Kathleen Lang, LaPorte Superior Court, 300 Washington Street, Michigan City, IN 46360; the Hon. Richard Stalbrink, LaPorte Superior Court, 300 Washington Street, #202, Michigan City, IN 46360; to the Clerk of the LaPorte Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the LaPorte Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment

for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, on June 5, 2013.

A handwritten signature in black ink, appearing to read "Brent E. Dickson", written over a horizontal line.

Brent E. Dickson
Chief Justice of Indiana

LR 46 – 4 Caseload Allocation Plan

This matter came before the judges of the courts of record of this county pursuant to the “Order for Development of Local Caseload Plans” issued by the Indiana Supreme Court on the 16th day of July, 1999, in Indianapolis, Indiana, and the judge of this county having met and considered that order, together with the data and advisory materials related thereto provided by the Division of State Court Administration of the Indiana Supreme Court and those particular local factors that pertain to the efficient administration of justice, and being duly advised in the premises, now issue the following findings and rules pertaining to local caseloads of the courts of this county:

1. Based on the 2011 statistical data provided by the Division of State Court Administration of the Indiana Supreme Court, the average weighted caseload utilization for La Porte County Courts is 157%.

2. Consistent with the stated policy and purposes of the Indiana Supreme Court’s “Order for Development of Local Caseload Plans” issued July 16, 1999, the following considerations bear import to the effective use of judicial resources and the effective access of La Porte County citizens to the Courts:

a) La Porte County’s five courts and their companion clerk’s offices are located in three separate county complexes: La Porte Circuit Court at the Circuit Courthouse [in La Porte, Indiana], La Porte Superior Court 3 located in the County Government Complex [in La Porte, Indiana]; and La Porte Superior Courts 1, 2 and 4 located in the Superior Courthouse [in Michigan City, Indiana]. A distance of approximately thirteen miles separates Michigan City from La Porte; four separate clerk’s offices service the five courts, which, in terms of square mileage, serve the second largest county in the State of Indiana. That geographical configuration has attendant considerations of administrative necessity for the allocation of the county’s personnel, financial, and space resources; for example, the maintenance of court records in four separate clerk’s offices and assignment of the clerk’s personnel, the offices of both the Deputy Prosecutors and Public Defenders and assignment of their personnel, the offices of the courts’ respective Probation Departments, and the warrant divisions of the Sheriff’s Department are each located and based on access to particular courts on a geographical basis; likewise, those geographic considerations underlie La Porte County’s Local Court rule for the assignment of criminal cases, which provides for the distribution of cases on the basis of demographic considerations and the nature of the charge. A wholesale restructuring of caseloads to provide for specialization of courts by case type is precluded by considerations of space, personnel allocation, and geography; fortunately, the present general distribution of cases generally has served the courts, its support services, and the citizens of La Porte County in an effective fashion.

b) Complicating the configuration of the courts and matters of caseload distribution is the additional workload created by the various correctional facilities located in La Porte County that house approximately 7,000 offenders and generate a criminal caseload and unique *pro se* civil litigation that defies the weighted case-load study assignments of time necessary to process particular case-types. See Judicial Administration Committee, Judicial Conference of Indiana, *Weighted Caseload Study for Indiana's Trial Court Judicial Officers*, P.25 (December, 1996).

c) La Porte County should benefit from specialization in the handling of all Children in Need of Services and Delinquency proceedings by a single court; that caseload, with its attendant demands for interaction with a variety of social service agencies and its administration of the Juvenile Detention Service Center, as well as the distinct need for those cases to be processed in an expeditious fashion and reviewed on a continuing basis, warrant the singular focus of one judicial officer;

d) Similarly, the need for specialization in family issues and the existing "high volume" caseloads of La Porte Superior Courts 3 and 4 warrant the restructuring of existing caseloads, albeit with consideration for the demographic and geographic considerations discussed herein.

e) Indiana Code 33-33-46-2 to 33-33-46-8 embodies recognition of geographically-based caseloads and specialization; the legislature provided therein that Superior Court 3, which sits in La Porte, and Superior Court 4, which sits in Michigan City, each maintain standard small claims and misdemeanor divisions.

f) Currently, La Porte County's judiciary benefits from the General Assembly's addition of two non-juvenile Magistrates to its judicial workforce; the existence of those Magistrates is recognized as the most useful tool in apportioning caseloads equitably amongst the courts.

g) The resources of three Senior Judges provide a potential and additional vehicle for accomplishing the policy and purposes of the Supreme Court's "Order for Development of Local Caseload Plans."

h) Indiana Code 33-33-46-2 to 33-33-46-8 provides additional vehicles for the reduction in disparity of caseloads; the statute provides for the consensual transfer of cases between courts and provides for the judges of the respective courts to sit as judge in another court with the consent of the respective judges;

i) The geographically-based distribution of criminal cases and filing patterns in civil caseloads warrant that a semi-annual review of caseload disparity be conducted by La Porte County judges and adjustments made as needed for the efficient administration of justice.

WHEREFORE, IT IS ORDERED AND ADJUDGED that:

A) Upon approval of this rule, one non-jvenile Magistrate shall be assigned completely to Superior Court 4. The other non-jvenile Magistrate shall serve La Porte Circuit Court for four and a half days of each week and shall serve La Porte Superior Court 1 for one-half day each week. (*A periodic review of caseloads by the judicial officers of this county may adjust the assignments of these Magistrates as new caseload data may demand.)

B) All juvenile matters will be assigned to the La Porte Circuit Court. The caseload of Juvenile Magistrate shall include all Delinquency and Child in Need of Services proceedings filed in La Porte County, as well as those cases otherwise assigned to her by the Judge of the La Porte Circuit Court.

C) The caseloads of La Porte Circuit Court, Superior Court 1, and Superior Court 2 shall include all new civil filings for probate, protective orders, dissolutions of marriage, paternity, custody, and/or support; the Clerk of La Porte County courts and the deputy clerks are directed to inform litigants of the provisions set forth herein; given that the various courts of La Porte County are, by statute, courts of general jurisdiction, it is recognized that the clerk is not empowered to prohibit the filing of a particular type of case in a particular court; in the event a filing occurs that is not in compliance with the provisions set forth herein, the judge of La Porte Superior Court 3 or 4 that receives that filing shall cause it to be transferred to an appropriate court in accordance with the provision set forth herein pursuant to Indiana Code 33-33-46-2 to 33-33-46-8.

D) Efforts to reduce caseload disparity shall include requests to the Indiana Supreme Court for the appointment of present Senior Judges to serve various courts of La Porte County, as opposed to a singular designated court.

E) The judicial officers of this county shall meet at least on a semi-annual basis to review the issue of caseload disparity and shall continue in the endeavor to accomplish not only a statistical parity in the respective caseloads of the courts, but, moreover, a caseload distribution that enhances citizen access to the courts in a timely and expeditious manner and recognizes the particular geographic and demographic needs of the populace.

F) Criminal. All criminal charges arising out of a single criminal event or instance of criminal activity shall be filed in a single court, that court being the appropriate court under Local Rule 1 for the highest charge filed.

G) In cases where defendants have criminal charges in multiple courts, the cases may be consolidated to one court with consent of the parties and approval of the courts.

H) Small Claims. Small Claims filings shall be reviewed in a quarterly basis after the effective date of this revision, and if deemed necessary by a majority of judges, may be assigned to either Superior Court 3 or Superior Court 4 based upon the same line of demarcation used for the filings of criminal cases in those courts.

*Note: The courts have already re-assigned Magistrates effective 01/01/11 to yield the following results:

<u>CURRENTLY REPORTED CASE ALLOCATION</u>			
<u>COURT</u>	<u>NEED</u>	<u>HAVE</u>	<u>UTILIZATION</u>
Circuit Court	4.11	2.80	1.47
Superior 1	1.82	1.00	1.82
Superior 2	1.33	1.00	1.33
Superior 3	1.57	1.20	1.31
Superior 4	2.95	2.00	1.48
TOTAL	11.78	8.00	**** 0.51 Difference, high and low

<u>ALLOCATION UNDER NEW PLAN</u>			
<u>COURT</u>	<u>NEED</u>	<u>HAVE</u>	<u>UTILIZATION</u>
Circuit Court	4.11	2.90	1.42
Superior 1	1.82	1.10	1.65
Superior 2	1.33	1.00	1.33
Superior 3	1.57	1.00	1.57
Superior 4	2.95	2.00	1.48
TOTAL	11.78	8.00	**** 0.32 Difference, high and low

D) Caseload Review. Not later than October 1 of each year, a committee composed of the five Judges of the Circuit and Superior Courts of La Porte County, shall meet in person, telephonically, or by other means and shall evaluate each court's caseload data, as reported by the Division of the State Court Administration.

J) Special Circumstances. The committee shall consider in addition to the actual caseload data, any special circumstances relevant to evaluating the various caseloads of the various Courts and Judges in La Porte County. These special circumstances shall include such matters as death penalty cases, administrative and special Judge service, availability of physical resources, and any other relevant factors.

K) Statistical Deviation. Based upon the foregoing caseload evaluation for each Court within the County, the committee shall determine whether or not a sufficient statistical deviation occurs between the Courts which would warrant a transfer of cases within La Porte County from one court to another or a limitation during the following year upon what case types may be filed in certain courts or before certain Judges in order to more effectively and efficiently provide services to the citizens of La Porte County.

L) Caseload Allocation Plan and Transfer of Cases. In the event the committee determines a significant statistical deviation exists and is likely to continue to exist the following year, the committee shall unanimously adopt a written plan providing for the assignment of cases and/or for the transfer of cases from one Court to another in order to more equally distribute cases among and between the various Courts within La Porte County or requiring that certain types of cases only be filed in certain courts or assigned to certain Judges therein. Such transfer of cases or limitation on filing shall take into consideration the specialized jurisdictional attributes of any of the five Circuit and Superior Courts of La Porte County and endeavor to transfer cases that fit within a receiving Judge's statutory jurisdiction. In the event that either cases transferring in or out of a Court are outside the normal statutory jurisdiction of the receiving Judge, the committee shall designate the receiving Judge as a special Judge of the court that retains jurisdiction over the original proceeding. The committee shall also take into consideration the impact of such transfer upon other local agencies such as the Prosecutor's Office, Public Defender's Office, Sheriff's Department, Local Law Enforcement, County Clerk's Office, Probation Departments, as well as the general citizenry and the cost of such transfers. The caseload allocation plan may be memorialized as an appendix to this rule.

M) Procedures Following Transfer. Once a case is assigned or transferred pursuant to the caseload allocation plan adopted by the committee into another Court, the case shall be heard and processed as all other cases originally filed within that Court.